

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

Claims 31 and 44 are currently being cancelled.

Claim 24 is currently being amended.

No claims are currently being added.

This amendment amends and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending and canceling the claims as set forth above, claims 24, 25, 27-30 and 32-42 are now pending in this application.

**Claim Rejections – 35 U.S.C. § 112, 1<sup>st</sup> Paragraph:**

In the Office Action, claims 24, 25, 27-42 and 44 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, as being not enabled for a fluid concentrator, for the reasons set forth on page 2 of the Office Action. By way of the amendments made to independent claim 24 to remove the fluid concentrator and desorbing means elements, this rejection is now moot.

**Claim Rejections – 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph:**

In the Office Action, claims 24, 25, 27-42 and 44 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite, for the reasons set forth on pages 2 and 3 of the Office Action. By way of the amendments made to independent claim 24, this rejection is now moot.

**Claim Rejections – Prior Art:**

In the Office Action, claims 24, 25, 27-42 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rusz (US 5,546,931) in view of Lewis (US 5,571,401) and further in view of Georgieff et al. (US 5,520,169) and Rounbehler (US 6,057,162). This rejection is traversed for at least the reasons given below.

Presently pending independent claim 24 has been amended to include the features of now-canceled claim 31, in which the anesthetic is injected directly into the carrier gas stream.

This is totally unlike the operation of Rusz, in which the anesthetic 26a in fluid form is provided in a vaporizing chamber 26, vaporized, and whereby the vaporized anesthetic is provided to the carrier gas stream. See Figures 1 and 6 of Rusz, for example. Thus, in Rusz, an anesthetic is not injected directly into a carrier gas stream.

Since none of the other cited art of record rectifies these deficiencies of Rusz, presently pending independent claim 24 is patentable over the cited art of record.

Furthermore, dependent claim 38 recites that the anesthetic vapor is concentrated in a breath collector concentrator. In Rusz, on the other hand, the anesthetic vapor is concentrated in a vaporizing chamber only, and not in a breath collector concentrator. Thus, dependent claim 38 is patentable for these additional reasons, beyond the reasons given above for its base claim 24.

Still further, dependent claim 39 recites that the breath collector concentrator is adapted to receive breath from the nose, nasal passages and mouth, whereby Rusz does not have such an element in which anesthetic vapor is concentrated. Thus, dependent claim 39 is patentable for these additional reasons, beyond the reasons given above for its base claim 24 and its intervening claim 38.

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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